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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,073	03/02/2004	Takumi Fushiki	29284/269	2506
23838	7590	11/08/2005	EXAMINER	
KENYON & KENYON			LUU, MATTHEW	
1500 K STREET NW				
SUITE 700			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005				3663

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/790,073	FUSHIKI ET AL.
	Examiner	Art Unit
	LUU MATTHEW	3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on the amendment filed June 4, 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-4 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 09/956,090
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/2/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 6). Other: The form 1449 is missing in the IDS (1/12/05).

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed January 12, 2005 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myr (US 2001/0029425) in view of Graunke (6,256,577).

Regarding claim 2, Myr discloses (Fig. 1) an on-vehicle terminal (9) to be mounted on a vehicle (10), comprising:

position detecting means (GSM/GPS) for measuring a current position of the vehicle mounted on the terminal;

communication means (Cell-phone 2) for communication with a server (GSM network server 4) (Sections 18, 19 and 20); and

traffic situation presumption means (Figs. 2 and 3, computer processor 64 and GSM network server 34) for outputting a traffic situation forecast sought from a driving information of the vehicle based on a positional information from the position detecting means, and a probe information accumulated from a past running historical information received from the server through the communication means (See the Abstract and section 101).

Furthermore, the claimed "a traffic situation forecast" is the real time traffic jam predictions as mentioned in section 176, the last three lines. And the claimed "a past running historical information" is the travel time data stored in the database for later use (Section 101, lines 13-16).

The only difference between the disclosure of Myr and the claimed invention is that the claim requires the traffic situation forecast being displayed in distinction from other traffic information.

However, Graunke discloses (Figs. 1, 2 and 3) a vehicle position detecting means (sensor 12); communication means (GPS 30 and transceiver 26); and a traffic presumption means (traffic predictive model 16). "The predictive model (16) takes

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current conditions and historical traffic information and develops a prediction of what traffic conditions will be like over a given interval of time) (Column 3, lines 63-66).

Graunke further discloses (Fig. 3) a display (24) for displaying the traffic situation forecast (hazards display 36 and the preferred route (44a) with double-line icon in distinction from other routes (44b), (44c), and the suggested course display (50). See column 3, lines 36-51).

Therefore, it would have been obvious to a person of ordinary skill in the art to use the traffic situation prediction model (16) of Graunke into the on-vehicle terminal navigation system Myr to predict what the traffic patterns will be like over a give period of time. This navigation system also allows the system be dynamic and to account for the dynamic nature of traffic patterns. Therefore, the user may be provided with not only the best route, given current traffic conditions, but also the best route that is predicted for the traffic conditions that will actually exist as the user traverses a particular route.

Regarding claim 3, Myr discloses (Fig. 1) position detecting means (GSM/GPS) for measuring a current position of the vehicle mounted on the terminal; and communication means (Cell-phone 2) for communication with a server (GSM network server 4) (Sections 18, 19 and 20).

Myr further discloses "a past running historical information" is the travel time data stored in the database for later use (Section 101, lines 13-16).

Graunke also teaches "The predictive model (16) takes current conditions and historical traffic information and develops a prediction of what traffic conditions will be like over a given interval of time) (Column 3, lines 63-66).

Regarding claim 4, Myr discloses (Fig. 1) communication means (Cell-phone 2) for communication with a server (GSM network server 4) (Sections 18, 19 and 20).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Fish et al (6,546,337) disclose (Figs. 3 and 4) a displaying of a alternative route with a distinct dash lines (66).

-Millington (6,178,380) displays a route with a distinct highlight.

-Kuribayashi et al (6,085,146) disclose a displaying of traffic information with different colors.

-Burns (6,590,507) discloses (Fig. 2) a displaying of traffic situations (206 and 208) in distinction from other traffic information (route 202).

Ito (Us 2001/0001763) discloses (Figs. 12-15) a displaying of multiple traffic information.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu



MATTHEW LUU
PRIMARY EXAMINER